

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MATTHEW HANKE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:14-cv-01136-JPG-SCW
)	
JIM PERRINE, VILLAGE OF MARISSA,)	JURY TRIAL DEMANDED
TERRY HAMON, and VILLAGE OF NEW)	
ATHENS,)	
)	
Defendants.)	

JOINT NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT

COME NOW Defendants, Jim Perrine, Village of Marissa, Terry Hamon and Village of New Athens (collectively referred to herein as “Defendants”), by and through their undersigned counsel, and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this case from the Circuit Court of St. Clair County, Illinois to the United States District Court for the Southern District of Illinois. In support of this Notice of Removal, Defendants state as follows:

THE REMOVED CASE

1. On or about September 16, 2014, Plaintiff Matthew Hanke (“Plaintiff”) filed a Complaint in the Circuit Court of St. Clair County, State of Illinois, *captioned Matthew Hanke v. Jim Perrine, et al.*, Cause No. 14-L-643 (the “Complaint”). (See Complaint, a true and accurate copy of which is attached hereto as a part of Exhibit A.)

2. The Complaint arises from the alleged use of excessive force by Defendants Perrine and Hamon upon the Plaintiff.

3. Plaintiff has alleged that Defendants Perrine and Hamon violated Plaintiff’s rights under the Fourth Amendment to the U.S. Constitution, and brought this action against them pursuant to 42 U.S.C. § 1983, impliedly asserting that Plaintiff was deprived of his rights,

privileges, and immunities under the United States Constitution. (See Exhibit A, Plaintiff's Complaint, Counts I and II.)

4. In his Complaint, Plaintiff has further alleged causes of action for indemnification against the Village of Marissa and the Village of New Athens, pursuant to 745 ILCS 10/9-102. (See Exhibit A, Plaintiff's Complaint, Counts III and IV.)

PAPERS FROM REMOVED ACTION

5. As required by 28 U.S.C. §1446(a), attached as Exhibit A are copies of all process, pleadings and other orders served upon Defendant in the removed case.

THE REMOVAL IS TIMELY

6. All Defendants were served in the state court action on September 29, 2014.

7. This notice is filed within thirty (30) days of service of Plaintiff's Petition upon Defendants; therefore, this notice is timely filed pursuant to 28 U.S.C. § 1446(b).

THE VENUE REQUIREMENT IS MET

8. The Circuit Court for St. Clair County, Illinois is located within the Southern District of Illinois. (See 28 U.S.C. §93(c).) Venue is thus proper as this is the "district and division embracing the place where such action is pending." (See 28 U.S.C. § 1441(a).)

REMOVAL JURISDICTION – FEDERAL QUESTION

9. The aforementioned claims in Plaintiff's Complaint are claims over which this Court has original jurisdiction, pursuant to 28 U.S.C. § 1331, in that Plaintiff alleges the deprivation of rights as secured by the United States Constitution and made enforceable by 42 U.S.C. § 1983. (See Exhibit A, Plaintiff's Complaint, Count I and II.) Therefore, Defendants are entitled to remove this entire action to this Court pursuant to 28 U.S.C. §1441(b).

10. This Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the related state law claims for indemnification construed against Defendants Village of Marissa and Village of New Athens, as these state law claims are related to Count I and II of Plaintiff's Complaint, form part of the same case or controversy under Article III of the United States Constitution, and arise from the same nucleus of operative facts that give rise to the claims that are subject to the original jurisdiction of this Court.

FILING OF REMOVAL PAPERS

11. Pursuant to 28 U.S.C. § 1446, Defendants have given written notice of the filing of this "Joint Notice of Removal of a Civil Action from State Court" to Plaintiff, and have further filed a copy of this "Joint Notice of Removal of a Civil Action from State Court" with the Circuit Clerk, 20th Judicial Circuit, St. Clair County, Illinois. (A true and correct copy of Defendants' "Notice of Filing a Notice of Removal of a Civil Action from State Court," as filed with the state court and to be acknowledged by the Circuit Clerk of St. Clair County, Illinois is attached hereto as Exhibit B.)

JURY TRIAL DEMAND

12. Pursuant to Federal Rules of Civil Procedure 38 and 81(c), Defendants demand a trial by jury on all issues contained in Plaintiff's Complaint.

WHEREFORE, Defendants, Jim Perrine, Village of Marissa, Terry Hamon and Village of New Athens, hereby give notice that this action is, and has been, removed to this Court and prays that the Court exercise jurisdiction over this matter the same as if the action had originally been instituted herein.

Respectfully Submitted,
SmithAmundsen LLC

And

Walker & Williams, P.C.

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Jim Perrine*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22nd day of October, 2014, a true and accurate copy of the foregoing was filed electronically with the Clerk of Court and served via first class mail, postage pre-paid, on the following counsel of record:

Mr. Jarrod P. Beasley
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*Attorneys for Plaintiff
Matthew Hanke*

/s/ Heather A. Bub